



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,627	01/04/2001	Freddie Geier	001580-718	2986

7590 08/08/2006

James W. Peterson, Esq.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,627

Applicant(s)

GEIER ET AL.

Examiner

Vincent F. Boccio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Brief of 5/30/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10,12-19,21-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10,12-19,21-27 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

1. In view of the Brief filed on 5/30/06, PROSECUTION IS HEREBY REOPENED. A Non-final action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

James J. Groody (Supervisor).

Art Unit: 2621

Response to Appeal Brief

In response to the appeal brief the examiner has generated a new grounds of rejection (NON_FINAL), including new art of record, which supports the operations, as deemed met by the examiner with respect to the prior art, to enhance clarity of the examiner's position.

Response to Arguments

1. Applicant's arguments with respect to claims 2-37 have been considered but are moot in view of the new ground(s) of rejection.

Most arguments and issues are addressed with respect to the detailed action below.

{A} In re page 6, applicant states, "These portions of the patent do not constitute a teaching of examining addresses of requested DVD data to detect a match with addresses ..."

In response the examiner agrees, but, directs attention to col. 19, lines 14-25, "The address at which the URL has been written is specified in the operand of the JUMP URL ... This enables linking to be done to the specified location when the button is pressed."

This passage read on:

- Web Button Pushed,
- Locating the URL based on a location being an address to be search and located, thereby matching an address with an address and pulling the URL if exists, using EQ & Jump command (Figs. 24 A-D, EQ & Jump and Pointer to URL, Fig. 24 D).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-10, 12-19, 21-27, 29-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Art Unit: 2621

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, recites,

"the operating system starting an application program and providing the resource indication ..." and

"wherein the starting and providing steps are not done under the control of DVD player software."

Since as in the specification as reflected by claims 2 & 3, the operating system includes an operating system extension, this extension, in accord to claim 4 is provided on a digital versatile disc loading onto the computer.

In accord to the specification page 4 of applicant, "The operating system extension 32 can be, for example, a dynamic loaded library, drivers or other unit", or a DLL or driver or other unit (some sort of code or program) is the extension to the operating system.

The claims are deemed indefinite in view of reciting the of reciting:

- operating system starting an application program (Browser), (OS w/extension, claims 2 & 3);
- and
- not done under, DVD player software, renders the claim indefinite.

The (the operating system with extension) and the recited (DVD player software), can be considered to be both, "DVD PLAYER SOFTWARE", as both as claimed are deemed to be able to playback a DVD, rendering the claims indefinite based on the claim language as recited.

It is not clear from the claim, what is DVD player software vs. the OS w/extension being software.

The examiner suggests removing the DVD player software or to recite more specifically what is difference between the OS w/extension vs. the recited DVD player software is.

Art Unit: 2621

Claim 12, 21, 29 are rejected for similar reasons for the claim language as recited,

"... starting and resource-indication provided are not done under the control of DVD player software", also renders the claims indefinite because the OS with extension can be read and is DVD player software, the OS with extension software.

Comment

It is noted that claim recites, "not done under DVD player software", because the standard DVD software cannot support embedded links.

In accord to col. 2, Kanazawa 6,580,870, recites,

"... to provide a system which enables DVD video titles to be combined with the Internet by an effective use and simple extension of the DVD standard without changing the standard and which realizes a new service where DVD video titles are combined with hyperlink contents, such as HTML files, provided in the Internet."

Therefore, it is clear that, it is a simple extension to the standard to include URLs on the DVD (Kanazawa), to access the internet for additional information, wherein it is also clear to the examiner, the system requires a means to augment the utilization of URLs on the DVD to bridge the extraction of URLs from the DVD bridge to a browser.

It is deemed that Kanazawa supports the NT operating system (COL. 10, "NT SOURCES/RESOURCES"), with some sort of software to be added to the OS.

The examiner has deemed that with additional art to clearly show the examiner's position and applicant addressing the newly introduced 112 Para 2, rejection above, will provide a higher level of clarity to the prosecution in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

Art Unit: 2621

section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-10, 12-19, 21-27, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870) in view of Bugnion et al. (US 6,496,847, filing date 9/10/1998).

Regarding claims 2-6, Kanazawa discloses and meets the recited limitations associated with a method and corresponding apparatus the method comprising the steps of:

- in an operating system (Fig. 17, "Multi-media Desk Top PC & DVD drive 111 and col. 10, lines 25-40, "NT sources and NT resources",
- checking a DVD for resource indications and address regions associated with the resource indications, met by detecting URLs on the DVD read out, which are located in NAV packs for URL addresses or regions having addresses, storing URLs or not (col. 16, EXIST OR NOT);
- while, playing the DVD, the OS of the PC, examines the data at addresses of requested (user initiated WEB button selection), for a match (met by Fig. 24D, col. 19, lines 11-25, "address at which the URL is

Art Unit: 2621

written is specified in the operand of the "jump URL"), associated with the addresses associated with the resource indications;

- if a match is found (address location & URL exist), in the operating system starting an application program (see Browser) and providing the resource indication (URL to browser) having the matching associated address (Nav_pck and URL has a addresses), to the application program to obtain a resource (WEB page).

Met by col. 16,

- o WEB button pressed,
- o Acquires a navigation pack having an associated address (address of NV_PCK),
- o URL present (match met by YES URL exists and no met by no URL, in NAV_PCK data which was read from an address),
- o IF, URL not exist, playback continued and
- o IF, URL exists, pause reproduction, store position and state of the DVD video presently being reproduced and trigger browser (Internet-HTML, pages), col. 16.

The claims further recite, wherein,

"... the starting and providing steps are not done under the control of DVD player software."

This last limitation is read from applicant's specification for clarity.

Pages 2-3 of applicant's specification:

"In a preferred embodiment, the embedded information is supported by the operating system, preferable an extension of the operating system.

"Having the operation of the system of the present invention independent of the control of a DVD player software is advantageous. One way to support embedded information for DVD is to have the DVD player software modified to support such embedded information. The problem with modifying the DVD player

Art Unit: 2621

software is that it requires such DVDs with embedded information to be used only with the DVD player software systems that support embedded information. Thus the embedded-link system would not work with all of the DVD player software that, support the DVD specification. By using operating system software, in particular operating system extension software, this problem is avoided. The system of the present invention can be used with a variety of different DVD player software systems without requiring any modification to the DVD player software.

Page 4 of applicant's specification:

"The operating system extension 32 can be for example, a dynamic loaded library, driver or other unit. The operating system extension 32 examines the DVD data sector address for sectors associated with resource indications."

Therefore, the recited limitation,

"... the starting and providing steps are not done under the control of DVD player software.", is met by the OS with extension, to handle extraction of the URLs and providing the URL to the browser, through the OS with extension and browser software installed to the OS.

Therefore, in accord to Kanazawa col. 2 and col. 10, the programs are loaded into RAM from the DVD or another storage (such as a medium with the programs), col. 11, the programs are software programs playback control composed of driver groups.

In light of applicant's specification, using an operating system with some sort of extension is deemed met by Kanazawa.

On the alternative Kanazawa fails to describe the programs as a clear extension of the OS, by not being specific.

To add clarity to the rejection the examiner cites Bugnion, which teaches and recites, at col. 15, lines 25-34,

"The legacy virtual machine monitors from Microsoft are integrated as part of Windows95 and Windows NT. The implementation according to the invention is portable, requires only a simple extension (the driver 390) of the operating system (which can even be uninstalled when unused) and supports a full VMM", as taught by Bugnion."

Art Unit: 2621

As recited in claims 2-3, reads on an operating system such as NT windows is loaded with programs from the DVD, such as drivers, being an extension of the OS, can be uninstalled when unused, but, supports all VMM which was integrated vs. an extension, which allows for uninstalling when unused, as taught by Bugnion.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Kanazawa by loading the program into the NT resource or an OS, as an extension, rather than a fully integrated program, as taught by Bugnion, having advantages of uninstalling when unused, which as those skilled in the art understand, uninstalling remove the driver or extension from the current RAM computer memory, thereby not using memory when not needed, reserving available memory for other concurrent applications, as is obvious to those skilled in the art.

Regarding claims 7-8, Kanazawa further meets the limitation of wherein the indication of the address region is a DVD menu or video indication (Fig.19 A, "WEB/WEB Link Button", or a video button or a menu to select from), from which the address region is determined (upon selecting the Button the address first is determined to exist, thereafter locates the HTML content, thru the browser based on the address and the region is determined, Based on the user selecting the button, or "user input detection" of the region of the Button on the screen, which has a region/location, on the screen);

O wherein the resource indication (Button), is a file indication (or an indication of possible URL leading to the corresponding HTML content itself through a browser).

Regarding claim 9, Kanazawa is deemed to further meets the limitation of: wherein the operating system produced a buffer (buffered DVD data to memory 12 in Fig. 17), of addresses (addresses over time, therefore, multiple), requested from the DVD player hardware (Fig. 16, "HARDWARE BLOCK", having 111, 112, 113, 114, 100), wherein thru the software in memory (col. 10, lines 27-35, in a RAM 2 or embodiment of Fig. 17, "RAM"), wherein the operating system examines the buffered data from the DVD for addresses corresponding to a resource indication (Fig. 17, CPU & software, with respect to Fig. 16, "SOFTWARE Block" having 201, 202, 117, 116), also see col. 17, line 49 to col. 18, line 36.

Art Unit: 2621

Regarding claim 10, Kanazawa is deemed to disclose all as recited, but, fails to disclose wherein the addresses are sectors, having data from the DVD stored in the buffer, over time, but fails to disclose a sectorized format of the DVD.

The examiner takes official notice that the referring to a data structure of a disk having sectors is well known and obvious way to utilize sector-zed, data structure, therefore it would have been obvious to one skilled in the art at the time of the invention to modify Kanazawa by utilizing a sector-zed data structure and locating data accessed through sector addresses as a means to address the data on the DVD, as is well known and conventional in the art, as section dividers or sectorized disk structure, on a disk or DVD, medium, is obvious and conventional data structure to conform to, as is obvious to those skilled in the art.

It is noted that Bugnion, teaches at col. 16, lines 26-35:

"The device emulator 300 then uses the API 392 offered by the HOS 340 to emulate the I/O requests, that is, to read or write the disk SECTORS from the corresponding virtual disks 38. The call to the API is shown as path D, which call is passed in the conventional manner (path E) to the appropriate device driver 382 within the HOS 340 ..."

Bugnion teaches a disk having sectors being known in the art, supporting the official notice taken as being convention and well known.

Regarding claim 12-19, 21-27, 29-37

- claims 12-, system claims;
- claims 21-, computer program;
- claims 29-, apparatus, are deemed analyzed and discussed with respect to the claims above.

Art Unit: 2621

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).


Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio
(703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
8/4/06


VINCENT BOCCIO
PRIMARY EXAMINER


James J. Groody
Supervisory Patent Examiner
Art Unit-262 2621